

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION**

Samuel W. King,	)	Civil Action No.
	)	
Plaintiff,	)	
	)	
vs.	)	<b>NOTICE OF REMOVAL</b>
	)	
Future Motion, Inc., d/b/a Onewheel+,	)	Jury Trial Requested
	)	
Defendant.	)	
	)	

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Defendant Future Motion, Inc. (“Future Motion”), hereby removes the above captioned matter previously pending in the South Carolina Court of Common Pleas, Anderson County, C/A No. 2022-CP-04-01765, to the United States District Court for the District of South Carolina, Anderson Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, 28 U.S.C. § 121(9), and Local Civil Rule 3.01. This removal is made without waiving, and expressly reserving, the right to assert any and all defenses, including the jurisdiction of the court over the subject matter and the defendants.

In support of the notice of removal, Future Motion states the following:

1. This matter is removable pursuant to 28 U.S.C. § 1441 as a “civil action brought in a State court of which the district courts of the United States have original jurisdiction . . . .” On or about August 22, 2022, Plaintiff commenced an action in the Court of Common Pleas, County of Anderson, South Carolina, captioned *Samuel W. King vs. Future Motion, Inc., d/b/a Onewheel+*, C/A No. 2022-CP-04-01765.

2. Future Motion accepted service of the Summons and Complaint on behalf of Future Motion on August 29, 2022. A copy of the process and pleading served is included in the documents attached hereto as **Exhibit A**.

3. On information and belief, Plaintiff is a citizen and resident of the State of South Carolina.

4. Future Motion is a foreign corporation organized under the laws of the State of Delaware with its principal place of business in the State of California.

5. Accordingly, there is complete diversity of citizenship between Plaintiff and Defendant.

6. Because of the nature of Plaintiff's alleged injuries and Plaintiff's claim for punitive damages, the amount in controversy with respect to Plaintiff's claims exceeds the sum or value of \$75,000.00. Plaintiff's Complaint asserts that Plaintiff was seriously injured in the alleged incident, including a closed head injury, specifically an acute subdural hematoma resulting in a right-to-left midline shift of the septum pellucidum, a closed displaced fracture of the left clavicle, the fracture of several teeth, and a temporary loss of vision in his right eye and loss of hearing in his right ear.

7. Further, where actual and punitive damages are alleged, the "[plaintiff's] claim for punitive damages alone makes it virtually impossible to say that the claim is for less than the jurisdictional amount." *Woodward v. Newcourt Commercial Fin. Corp.*, 60 F. Supp 2d 530, 532 (D.S.C. 1999). Considering each type of damages alleged by a plaintiff, jurisdiction is proper so long as there is a reasonable probability that the plaintiff could recover in excess of \$75,000 if the plaintiff prevailed on all of his claims and requested damages. *Mattison v. Wal-Mart Stores, Inc.*,

No. 6:10-CV-01739, 2011 WL 494395, at \*3 (D.S.C. Feb. 4, 2011). Therefore, the amount in controversy with respect to Plaintiff's claims exceeds the sum or value of \$75,000.00.

8. This is an action over which this Court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a)(1), because the matter in controversy exceeds the sum or value of \$75,000.00 exclusive of interest and costs, and is between citizens of different states. Future Motion is accordingly entitled to remove this case pursuant to 28 U.S.C. §1441(a) & (b).

9. By reason of the amount in controversy and complete diversity of citizenship between Plaintiff and Defendant, this action is within the original jurisdiction of this Court pursuant to 28 U.S.C. § 1332(a).

10. Accordingly, this action is removable from the Court of Common Pleas, County of Anderson, State of South Carolina, to this Court pursuant to 28 U.S.C. §§ 1332(a) and 1441(a) & (b).

11. This Notice of Removal is being filed pursuant to provisions of 28 U.S.C. § 1441, within thirty (30) days after service on Defendant, and this case is therefore, removable pursuant to 28 U.S.C. § 1446(a) & (b).

12. Future Motion files with this Notice of Removal a copy of all pleadings and process they have received in the matter.

13. A true and correct copy of this Notice of Removal will be filed with the Clerk of Court for the Court of Common Pleas for Anderson County, South Carolina, as provided under 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Future Motion prays the action captioned *Samuel W. King vs. Future Motion, Inc., d/b/a Onewheel+*, C/A No. 2022-CP-04-01765, be removed from the Court

of Common Pleas, Anderson County, South Carolina to the United States District Court for the District of South Carolina. Future Motion further requests a jury trial in this matter.

MURPHY & GRANTLAND, P.A.

s/ Jay T. Thompson  
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*Attorneys for Defendant Future Motion, Inc.*

September 28, 2022

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION**

Samuel W. King,	)	Civil Action No.
	)	
Plaintiff,	)	
	)	
vs.	)	<b>CERTIFICATE OF SERVICE</b>
	)	
Future Motion, Inc., d/b/a Onewheel+,	)	
	)	
Defendant.	)	
	)	

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I, the undersigned employee of the law offices of Murphy & Grantland, P.A., Attorney for **Defendant Future Motion, Inc., d/b/a Onewheel+**, do hereby certify that I have served a copy of the foregoing, **Notice of Removal**, in connection with the above-referenced case by e-filing the Notice of Removal via electronic filing to the following:

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Jay T. Thompson, Esq.

Columbia, South Carolina  
 September 28, 2022